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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,326	10/12/2001	Stephen G. Malloy Desormeaux	83100RLW	9301

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EXAMINER

TILLERY, RASHAWN N

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/976,326

Applicant(s)

MALLOY DESORMEAUX,
STEPHEN G.

Examiner

Rashawn N Tillery

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-20 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/12/01.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 12 and 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Reelee et al (US5619257).

Regarding claim 1, Reelee discloses, in figure 1, a method for handling images in a hybrid camera comprising the steps of:

capturing a plurality of image pairs in a camera, each image pair having an archival image of a scene and an initial electronic image of the same scene, the archival image of each pair having a first geometric format (Reelee teaches capturing two images- one on a CCD image capture plane, 16, and the other on a conventional negative film, 14);

storing said initial electronic images in memory (20);

recording in association with selected image pairs of the plurality, a designation of an alternative geometric format different than the first geometric format (Reelee teaches selecting a desired density or format for the images placed in storage; see col. 4, line 19, to col. 6, line 9);

formatting the initial electronic images of the selected image pairs to respective alternative geometric formats to provide formatted electronic images (Reele teaches in figure 3C storing the electronic images in a selected format); and

downloading the formatted electronic images (Reele teaches downloading images directly to computer 18 for storage).

Regarding claim 2, Reele discloses adding to the initial electronic images indication of the respective alternative geometric formats (Reele teaches storing the adjusted image data in accordance with its' selected density or format).

Regarding claim 3, Reele discloses the formatted electronic images are in the first geometric format (Reele teaches initial images are captured in a highest resolution and images can be output in that original format).

Regarding claim 4, Reele discloses the initial electronic images are restorable from the formatted electronic images (Reele is capable of deleting stored images to make available memory space for new compressed images; see col. 5, line 42 to col. 6, line 9).

Regarding claim 5, Reele discloses the first geometric format has a different geometric format than the alternative geometric format and the formatting further comprises cropping each of the initial electronic images of the selected image pairs to the respective alternative geometric format to provide abridged electronic images (Reele inherently teaches cropping the initial electronic image to create images of a lower resolution or lesser density since the initial images are captured in a highest resolution; see col. 3, line 50 to col. 4, line 18).

Regarding claim 6, Reeley discloses the cropping further comprises replacing in the memory, the initial electronic images of the selected image pairs with the abridged electronic images (Reeley is capable of deleting stored images to make available memory space for new compressed images; see col. 5, line 42 to col. 6, line 9).

Regarding claim 7, Reeley discloses the abridged electronic images require less space in said memory than the initial electronic images.

Regarding claim 12, Reeley discloses, in figure 1, a method for handling images in a hybrid electronic photographic film camera comprising the steps of:

capturing a plurality of image pairs in a camera, each image pair having a latent image of a scene on photographic film and an initial electronic image of the same scene, the latent image of each pair having a first geometric format (Reeley teaches capturing two images- one on a CCD image capture plane, 16, and the other on a conventional negative film, 14);

storing the initial electronic images in memory (20);

assigning one of a plurality of geometric formats to each of the image pairs, the plurality of geometric formats including the first geometric format and one or more alternative geometric formats, the alternative geometric formats being different from each other and from the first geometric format (Reeley teaches selecting a desired density or format of the images placed in storage; see col. 4, line 19, to col. 6, line 9);

formatting the initial electronic images to respective geometric formats to provide formatted electronic images (Reeley teaches in figure 3C storing the electronic images in a selected format); and

downloading the formatted electronic images (Reele teaches downloading images directly to computer 18 for storage).

Regarding claim 14, Reele discloses the formatting further comprises adding indications of the alternative geometric formats to respective initial electronic images (see claim 2 above).

Regarding claim 15, Reele discloses the formatted electronic images are in the first geometric format (see claim 3 above).

Regarding claim 17, Reele discloses the formatting further comprises cropping respective initial electronic images to the alternative geometric format (see claim 5 above).

Regarding claim 16, Reele discloses the initial electronic images are restorable from the formatted electronic images (see claim 4 above).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8, 10, 11, 13 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reele in view of Petruchik (US5619738).

Regarding claim 8, Reele discloses loading a film unit including photographic film in the camera prior to the capturing; the archival images are latent images (inherent

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features). Reelee does not expressly disclose writing the designations to the film unit in association with respective latent images of the selected image pairs. Petruchik reveals that it is well known in the art to magnetically record or write data to a film image (see col. 4, lines 1-36). Petruchik teaches, in figure 6, writing a "print size" among other formatting information on the film; thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Reelee's device by implementing Petruchik's teachings. One would have been motivated to do so in an effort to transfer editing decisions to photofinishing operations.

Regarding claim 10, Reelee discloses loading a film unit in the camera prior to capturing; and the recording further comprises writing the designations to the film unit (see claim 8 above).

Regarding claim 11, Reelee discloses the recording includes writing the designations of the alternative geometric format to the film unit in association with respective archival images and writing the designations of the alternative geometric format to the memory in association with respective electronic images (see claim 8 above).

Regarding claim 13, Reelee discloses the assigning further comprises writing a designation of the alternative geometric formats to the photographic film in association with respective latent images (see claim 8 above).

Regarding claim 18 Reelee discloses, in figure 1, a hybrid camera for use with a film unit, the camera comprising:

a body (9);

an archival capture unit disposed in the body, the archival capture unit selectively capturing archival images in the film unit (14);

a designator selectively switchable, in relation to each archival image, among a plurality of different geometric formats to define a selected geometric format for each archival image (Reele teaches selecting a desired density or format for the images placed in storage; see col. 4, line 19, to col. 6, line 9);

an electronic capture unit (16) disposed in the body, the electronic capture unit capturing initial electronic images corresponding to the archival images, the initial electronic images being in a first geometric format of the plurality of geometric formats (Reele teaches capturing two images- one on a CCD image capture plane, 16, and the other on a conventional negative film, 14);

memory (20) storing the electronic images;

a controller (18, 22) operatively connected to the memory and the designator, the controller formatting the initial electronic images to the selected geometric formats of respective archival images to provide formatted electronic images; and

a communications port operatively connectable to said memory to download the electronic images (25).

Reele does not expressly disclose a film writer writing designations of one or more of the geometric formats to the film unit in association with respective archival images. Petruchik reveals that it is well known in the art to magnetically record or write data to a film image (see col. 4, lines 1-36). Petruchik teaches, in figure 6, writing a "print size" among other formatting information on the film; thus, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify Reeley's device by implementing Petruchik's teachings. One would have been motivated to do so in an effort to transfer editing decisions to photofinishing operations.

Regarding claim 19, Reeley discloses the controller adds to the initial electronic images, indications of respective geometric formats (Reeley teaches storing the adjusted image data in accordance with its' selected density or format).

Regarding claim 20, Reeley discloses the controller crops the initial electronic images to respective geometric formats (Reeley inherently teaches cropping the initial electronic image to create images of a lower resolution or lesser density since the initial images are captured in a highest resolution; see col. 3, line 50 to col. 4, line 18).

Allowable Subject Matter

Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 9, the prior art does not teach or fairly suggest a method of handling images in a hybrid camera comprising capturing a plurality of image pairs, storing initial electronic images, recording a designation of an alternative geometric format, formatting the electronic images and downloading the formatted electronic images, wherein

the electronic images are deleted from memory concurrent with the downloading of the reformatted electronic images.

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Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wess et al teach a system for placing information on film; Makishima et al teach a camera for recording images in a plurality of recording modes; Yamagata teaches a combined film and digital camera; Nealson teaches a dual film and still video camera; Anderson teaches an image capture system for processing image files.
2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rashawn N Tillery whose telephone number is 703-305-0627. The examiner can normally be reached on 9AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RNT


AUNG MOE
PRIMARY EXAMINER